

## THIRTY-FOURTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Wednesday Oct. 25, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent—Senator Fountain.

Absent, excused—Senator Pickett.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

The following House bills were taken from file, read first time and referred as follows, to-wit :

To Committee on State Affairs: House bill No. 749, "An act to incorporate the Bryan Real Estate, Building and Joint Stock Association, of Bryan, Texas;" House bill No. 595, "An act to incorporate the Houston Tannery and Leather Manufacturing Company;" House bill No. 617, "An act to incorporate the Banking, Insurance and Mutual Aid Association of Texas;" House bill No. 567, "An act to incorporate the Texas Joint Stock Association of the city of Houston;" House bill No. 563, "An act to authorize the employment of interpreters and translators in certain cases therein mentioned."

To Committee on Judiciary: House bill No. 552, "An act further regulating juries;" House bill No. 572, "An act to increase the fees of sheriffs for the transportation of prisoners to the State penitentiary;" House bill No. 607, "An act to amend section three of 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870;" House bill No. 593, "An act further regulating and defining the jurisdiction of the District Courts of this State;" House bill No. 590, "An act regulating practice in the Supreme Court;" House bill No. 639, "An act supplementary to the several acts providing for the authentication and registry of deeds and instruments of writing, and providing for making certified copies of deeds and other instruments of writing evidence in the various courts of this State;" House bill No. 652, "An act for the relief of Edward Delaney;" House bill No. 712, "An act to validate the acts of deputies of justices of the peace."

To Committee on Education: House bill No. 585, "An act to incorporate the Manual Labor School of Texas."

To Committee on Roads, Bridges and Ferries: House bill No.

742, "An act to incorporate the Richmond Bridge Company;" House bill No. 737, "An act to establish a ferry across the Sabine river, at Mann's Bluff, in the county of Panola."

Senator Ruby moved to suspend the rules to take from file House bill No. 625, "An act giving the Governor access to and authority to examine books, papers and records in the offices of the various departments, and also authorizing him to withdraw such from file in certain contingencies." Motion to suspend the rules lost, and the bill referred to the Committee on State Affairs.

### MESSAGES.

Message from the House by the Chief Clerk, Mr. Gallant, returning to the Senate, Senate bill No. 275, "An act for the relief of the heirs of Andrew Jackson Bryant, deceased;" Senate bill No. 274, "An act for the relief of the heirs of Charles G. Bryant, deceased;" together with the Governor's veto messages thereon, and information that the House, upon reconsideration, had agreed to pass these bills, notwithstanding the objections of his Excellency the Governor thereto. And transmitting for signature of the President the following enrolled House bills, to wit: House bill No. 298, "An act to incorporate the Germania Club of Brenham;" House bill No. 728, "An act to incorporate the Washington Steam Fire Engine Company No. 1, of Galveston;" House bill No. 750, "An act to incorporate the town of Lockhart, in Caldwell county;" House bill No. 320, "An act to enforce section twenty-one, article one, of the Constitution;" House bill No. 63, "An act to incorporate the Mutual Aid Society of the city of Houston."

Enrolled bills signed by the President in open session and returned to the House.

Under direction of the President the Secretary carried to the House the following House bills, passed by the Senate without amendment: House bill No. 337, "An act to regulate proceedings in the district courts of the State of Texas;" House bill No. 631, "An act to provide that certified copies of patents, grants and titles, as recorded in the General Land Office, and of deeds and other instruments relating to land recorded in any county of this State, may be read in evidence as original testimony;" House bill No. 724, "An act authorizing and requiring the Surveyor of Dallas county to transcribe certain records of his office, and to make a general index." Also, House bill No. 771, "An act to incorporate the Star Mining and Transportation Company," with amendment.

## REPORTS OF STANDING COMMITTEES.

Reports of Committee on State Affairs:

COMMITTEE ROOM, }  
Austin, Oct. 24, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 513, "An act to reorganize the town of Bryan, in Brazos county, Texas, and to incorporate said town as the city of Bryan," have had said bill under consideration, and am instructed by the committee to report it back to the Senate and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

COMMITTEE ROOM, }  
Austin, Oct. 24, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 516, "An act to incorporate Harnwood Institute," have had said bill under careful consideration, and I am instructed to report it back and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

Reports read and laid over under the rules.

Reports of the Committee on Judiciary:

COMMITTEE ROOM, }  
Austin, Oct. 25, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 508, entitled "An act to amend section thirty of the tax law of April 22, 1871," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

Report read.

On motion of Senator Mills the rules were suspended to consider the report and bill. Bill read second time, ordered engrossed and passed to a third reading.

On motion of Senator Mills the rules were further suspended and Senate bill No. 508 read third time and passed.

11 o'CLOCK, A. M.

The hour having arrived for the consideration of the special order (Senate bill No. 395), "An Act in relation to the registration of voters," on motion the consideration of the special order was postponed until after the completion of the morning call.

Reports of Committee on Judiciary:

COMMITTEE ROOM, }  
Austin, Oct. 25, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 684, entitled "An act to provide for the payment of the late special judge of the Fifteenth Judicial District and making an appropriation for the same," after careful consideration, instruct me to report the same same back and recommend its passage, with the accompanying amendments.

Respectfully,

W. H. PARSONS, Chairman.

Amendments of Senate Judiciary Committee of House bill No. 648: Amend section one by striking out the words "one month's" in line four, and inserting after the word "salary," in lines four and five, the words "from the day he qualified as such Judge to the day Judge W. H. Russell was acquitted of the charges against him."

Report read and laid over under the rules.

COMMITTEE ROOM, }  
Austin, Oct. 25, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 631, entitled "An act to provide that certified copies of patents, grants and titles, as recorded in the General Land Office, and of deeds and other instruments relating to land, recorded in any county of this State, may be read in evidence as original testimony," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

Report read.

On motion of Senator Bowers, the rules were suspended to consider the report and bill.

Bill read second time and passed to a third reading.

On motion of Senator Bowers, the rules were further suspended and House bill No. 631 read third time and passed.

COMMITTEE ROOM, }  
Austin, Oct. 25, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred House bill No. 337, entitled "An act to regulate proceedings in the district courts of the State of Texas," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

Report read.

On motion of Senator Dohoney, the rules were suspended to consider the report and bill. Bill read second time and passed to a third reading.

On motion of Senator Dohoney, the rules were further suspended and House bill No. 337 read third time and passed.

Report of Committee on Finance :

COMMITTEE ROOM, }  
Austin, Oct. 25, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR : A majority of your Committee on Finance, to whom was referred Substitute for House bill No. 747, entitled "An act authorizing a loan to meet deficiencies in the revenue of the State," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. A. SAYLOR, Chairman.

Report read and laid over under the rules.

Senator Dohoney gave notice that he would submit a minority report on House bill No. 747.

## BILLS AND RESOLUTIONS.

By Senator Saylor : a bill (Senate bill No. 522) to be entitled "An act making an appropriation for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873." Read first time, referred to the Committee on Finance, and one hundred copies of the bill ordered printed for the use of the Senate.

By Senator Parsons : a bill (Senate bill No. 523) to be entitled "An act to incorporate the Houston Turn Verein." Read first time and referred to the Judiciary Committee.

By Senator Ford : a resolution, as follows :

*Resolved*, That whereas Eli Green, Henry Mitchell, Ephraim Mesback and John Gooden, did, under the supervision of the Sergeant-at-Arms, ten days before the meeting of the present session of the Legislature, clean and repair the Senate Chamber, and continued to do such work until the Legislature met; therefore be it

*Resolved*, They be allowed *per diem* pay from the second day of September, 1871, until the twelfth day of September, 1871.

Resolution read, and on motion of Senator Mills referred to the Committee on Contingent Expenses.

By Senator Flanagan: a bill (Senate bill No. 524) to be entitled "An act to incorporate the Point Isabel City Company." Read first time and referred to the Committee on State Affairs.

By Senator Cole: a bill (Senate bill No. 525) to be entitled "An act supplemental to an act entitled 'an act to amend an act entitled an act to incorporate the Bank of Cleburne,' approved September 30, 1871." Read first time, rules suspended, read second time, ordered engrossed and passed to a third reading.

On motion of Senator Pyle, the rules were further suspended and Senate bill No. 525 read third time and passed.

Senator Ruby submitted the following report of the Committee on Engrossed Bills.

COMMITTEE ROOM, }  
Austin, Oct. 25, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bills as follows: Senate bill No. 515, "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature of the State of Texas;" Senate bill No. 521, "An act to authorize Sim Davis and his associates to construct, own and keep a toll bridge on Sulphur Fork of Red River;" Senate bill No. 507, "An act in relation to county bridges;" Senate joint resolution No. 44, "Joint resolution for the relief of James H. Skinner, sheriff of Henderson county."

Respectfully,

G. T. RUBY, Chairman.

Report read and received.

Under direction of the President, the Secretary carried to the House, for concurrence, Senate bills Nos. 521, 507 and Senate joint resolution No. 44.

### SPECIAL ORDER.

The morning call having been completed, the Senate proceeded to

the consideration of Senate bill No. 395, "An act in relation to the registration of voters."

On motion of Senator Ford the consideration of the special order was postponed until 11 o'clock A. M. to-morrow.

By leave, President Campbell introduced a bill (Senate bill No. 526) to be entitled "An act to amend an act entitled 'an act to amend an act incorporating the city of Jefferson, in Marion county, approved September 11, 1866, approved August 3, 1870.'" Read first time, rules suspended, read second time, ordered engrossed and passed to a third reading.

On motion of Senator Baker the rules were further suspended and Senate bill No. 526 read third time and passed.

11:30 o'clock A. M.

The hour having arrived for the consideration of the special order, Senate bill No. 493, "An act supplemental to 'an act to encourage stockraising and for the protection of stockraisers,' approved May 22, 1871," Senator Flanagan was called to the chair.

On motion of Senator Pridgen Senate bill No. 493 was laid on the table.

### BILLS ON SECOND READING.

House joint resolution No. 17, "Joint resolution authorizing the Governor to lease out the lands appropriated for the benefit of the Lunatic, Blind, and Deaf and Dumb Asylums." Read second time and passed to a third reading.

Senator Baker moved a further suspension of the rules to read the bill a third time.

Yeas and nays called for and motion to suspend the rules lost by the following vote, four-fifths of the Senators present not voting in the affirmative:

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Flanagan, Ford, Gaines, Hillebrand, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Nays—Broughton, Dohoney, Douglas, Evans, Shannon—5.

On motion of Senator Mills, the rules were suspended to take from file Senate bill No. 515, "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature of the State of Texas." Read third time.

Question being on final passage, the yeas and nays were called for and bill passed by the following vote (and sent to the House for concurrence):

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Flanagan, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—19.

Nays--Broughton, Dohoney, Douglas, Evans, Latimer, Shannon--6.

On motion of Senator Pyle, the rules were suspended to take from file Senate bill No. 449, "An act to authorize and require the Commissioner of the General Land Office to issue patents upon certain surveys made on the Island of Galveston by Sydney T. Fontaine, Harry W. Rhodes, Wm. McCarty, Thomas Hanley, George Fry and William McDonald, or their assigns, by virtue of land scrip issued by the Republic of Texas to Thomas Tobey." Read second time.

On motion of Senator Evans, Senate bill No. 449 was laid on the table.

On motion of President Campbell, the rules were suspended to take from file Senate bill No. 456, "An act to make a new apportionment for Representative and Senatorial Districts of the State of Texas."

On motion of President Campbell, Senate bill No. 456 was referred to a select committee of three.

President Campbell resumed the chair.

The President appointed, as such committee, Senators Flanagan, Douglas and Baker.

Senator Parsons offered the following resolution which was adopted:

*Resolved*, That the use of the Senate Chamber be granted on Monday night, the 30th inst., to Mrs. Richard Talbot, to deliver a free lecture on the subject of spiritualism.

Senator Pridgen submitted the following report of the Committee on Enrolled Bills:

COMMITTEE ROOM, }  
Austin, Oct. 25, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have this day deposited in the office of Secretary of State enrolled Senate bill No. 274, entitled "An act to provide for the relief of the heirs of Charles G. Bryant, deceased," and Senate bill No. 275, entitled "An act to provide for the relief of the heirs of Andrew Jackson Bryant, deceased," (the Senate and House of Representatives, upon reconsideration, having, by a vote of two-thirds of each House, agreed to pass said bills over the veto of the Governor,) and the receipt of the Secretary of State taken therefor, and herewith filed and made part of this report.

Respectfully,

B. J. PRIDGEN, Chairman.



DEPARTMENT OF STATE,  
Austin, Oct. 25, 1871. }

Received of Hon. B. J. Pridgen, Chairman Senate Committee on Enrolled Bills, Senate bill No. 274, entitled "An act to provide for the relief of the heirs of Charles G. Bryant, deceased;" also, Senate bill No. 275, entitled "An act to provide for the relief of the heirs of Andrew Jackson Bryant, deceased."

JAMES P. NEWCOMB,  
Secretary of State.

Per JNO. J. STEVENS.

Report read and received.

On motion of Senator Gaines, the Senate at 12:15 P. M. adjourned to 10:30 A. M. to-morrow.

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### THIRTY-FIFTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Thursday, Oct. 26, 1871. }

Senate met pursuant to adjournment President Campbell presiding. Roll called. Quorum present.

Absent, excused—Senator Pickett.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

### PETITIONS AND MEMORIALS.

By Senator Bowers: a petition of N. C. Edwards, late County Attorney of Bell county, for relief. Read and referred to the Committee on Finance. Also, a petition of John T. Jackson for relief. Read and referred to the Committee on State Affairs.

### REPORTS OF STANDING COMMITTEES.

Reports of Committee on Education: